

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

CUSTOMS AND TAX ADMINISTRATION
OF THE KINGDOM OF DENMARK
(SKATTEFORVALTNINGEN) TAX
REFUND SCHEME LITIGATION

This document relates to: 1:18-cv-05374; 1:18-
cv-08655

MASTER DOCKET

18-md-2865 (LAK)

**NOTICE OF THIRD-PARTY PLAINTIFFS/COUNTERCLAIM-DEFENDANTS
MOTION TO DISMISS ED&F MAN CAPITAL MARKETS LTD.'S AMENDED
COUNTERCLAIMS**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, dated May 18, 2020, and the Declaration of Eric Smith, dated May 18, 2020, with all exhibits thereto, Third-Party Plaintiffs and Defendants-in-Counterclaim Del Mar Asset Management Savings and Retirement Plan and Federated Logistics LLC 401(K) Plan (together, the "Plans"), by its undersigned attorneys, will move the Court before the Honorable Lewis A. Kaplan at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, Courtroom 21B, at a time and date to be determined by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing Third-Party Defendant and Counterclaimant ED&F Man Capital Markets Ltd.'s Amended Counterclaims (Dkt. No. 326) with prejudice, and for such other and further relief as the Court deems just and proper. The Plans respectfully request that the Court hold oral argument regarding this Motion.

Dated: New York, New York
May 18, 2020

Respectfully submitted,

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